

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA :

- v. -

12 Cr. 83(MHD):

**ROBERT RUBICCO,** :

DEFENDANT. :

-----X

**DEFENDANT ROBERT RUBICCO'S SENTENCING MEMORANDUM**

Federal Defenders of New York  
Attorney for Defendant  
**Robert Rubicco**  
52 Duane Street - 10th Floor  
New York, New York 10007  
Tel.: (212) 417-8733  
Roland Thau,  
Of Counsel

**To: PREET BHARARA, Esq.**  
**United States Attorney**  
**Attention: Christopher J. DiMase, Esq.,**  
**Assistant United States Attorney**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

12 Cr. 83(MHD)

v. -

**ROBERT RUBICCO,**

DEFENDANT.

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**DEFENDANT ROBERT RUBICCO'S SENTENCING MEMORANDUM**

**PRELIMINARY STATEMENT**

Robert Rubicco respectfully submits his memorandum in advance of his sentence scheduled to be imposed June 20, 2012.

Pursuant to 18 U.S.C. 3553 (a), on the basis of the nature of his misdemeanor offense, the defendant's background which includes significant emotional problems, the plea agreement negotiated with and agreed to by the government which calls for an advisory sentencing guidelines range of 4 to 10 months rather than the Probation Dept.'s suggested range of 8 to 10 months (PSR page 22), Mr. Rubicco's employment and his need to support his wife and newborn daughter, it is respectfully suggested that the interest of Justice and Mr. Rubicco's rehabilitation would best be served if the court were to sentence him to time served, followed by a year's supervised release with the conditions that he continue drug and mental health treatment rather than than that his sentence include home confinement, as suggested in the recommendation section of the Probation Dept. At p.22. A period of community service would also be appropriate.

### THE OFFENSE

Mr. Rubicco reached into his former employer's computer network by calling the company's computer help desk, representing himself to be a named employee who needed a new password. Without further ado or inquiry which might have protected the company from intrusion by unauthorized people, the help desk employee issued a password Mr. Rubicco.

Mr. Rubicco did not reach into the network for financial gain or to sabotage or in any way temper with it. He did so to make certain inquiries relevant to the recent elimination of his job and the possible prospect of his reemployment for which he had applied in another capacity.

Mr. Rubicco's illegal conduct must in fact have incidentally helped his former employer understand that its computer security system was grossly inadequate and at risk being invaded by unauthorized persons intent on sabotaging it. Thus, Mr. Rubicco may unintentionally have rendered his former employer's an enormous and very valuable service, albeit no doubt causing it to be powerfully embarrassed. It is clear that had sinister invaders reached into its computer network by simply telephoning for a new password, the company would have been significantly damaged and its network been potentially trashed to smithereens.

### MR. RUBICCO'S BACKGROUND

Mr. Rubicco is a mere 28 years of age. Although his early family life was fairly uneventful, things began to unravel as his father was an alcoholic who ended up mishandling his employer's funds and who wasted his wife's substantial casino winnings (PSR ¶48, 50). Although Mr. Rubicco father was less than an ideal husband, Mr. Rubicco's previously good relationship with his mother cooled and suffered when he learned that she was having an affair. (PSR ¶48). This change of attitude toward his mother, for that reason only, suggests poor judgment since a loving son to a loving mother could be expected to understand and forgive the wife of a ne'er-do-well who finds comfort and solace in the arms of another. We point this out (Mr. Rubicco's lack of judgment) because throughout his life, Mr. Rubicco has lacked judgement and this immaturity, together with his emotional problems to be discussed have been the source of his several minor arrests.

Robert Rubicco left the parental home at the age of 17 when he went to college and never returned to it (PSR ¶51). Thus, his formative guidance came partly from his dissolute father and then he was in his own at a very young age.

For some some 10 years, Robert Rubicco lived alone until his marriage in 2010. His wife describes him as a great father to their daughter Ann Rose, born but 2 months ago, March 13, 2012 (birth certificate enclosed) and a great husband who has a good heart and is very giving. Mrs. Rubicco is not blind to her husband's frailties. She notes "that [he] can be very hyper and often doesn't think things through" (PSR ¶ 54) and that, alas, he "feels the need to step in and help [his brothers] and often winds up getting in trouble himself." (PSR ¶55). Clearly, his August 11, 2010, arrest reflects a

misguided attempt to step in his brother Spencer's case to help him. (PSR ¶41-2). No threat was made or alleged. "Rubicco made contact with Ms. Mondelli [Spencer's victim] and try to broker to deal in which his family would pay for the repairs to her vehicle if she would drop the charges against Spencer Rubicco". This kind of "settlement" is frequently proposed by attorneys and accepted by complainants: ie Michael Jackson child molestation charges disappeared that way. Thus, it is unfair to describe it is a blatant attempt to influence testimony in a criminal case (PSR ¶42). An attempt to influence testimony requires an effort to have a witness change her or his testimony and perhaps commit perjury. Mr. Rubicco did no such thing.

Mr. Rubicco has long-standing and serious emotional problems. Those go back to his elementary school days and are reviewed at length in PSR¶60-65. He has sought and is receiving medical attention and medication.

Mr. Rubicco started to work in 2001 at the age of 17 and has been steadily employed since then (PSR ¶76-84). He is the sole support of his little family consisting of his wife and their 3-month-old daughter.

Notwithstanding the unfortunate parts of his background, Mr. Rubicco's personal warmth and generosity of spirit are manifest, judging from the significant number of enclosed letters from relatives, friends and acquaintances, some of whom have known him for years. (**Exhibit "A"**).

**Particularly moving and poignant is the enclosed letter of Mr. Rubicco's brother, Spencer Rubicco, the very Spencer on whose behalf Robert Rubicco tried to "settle" with Spencer's victim as seen above.**

Mr. Rubicco's current job requires that he travel. He is required to be in New Jersey from July 7<sup>th</sup> to 13<sup>th</sup>, in Philadelphia from July the 16<sup>th</sup> to the 17<sup>th</sup>, to Dallas Texas September 15 she 17<sup>th</sup>, Atlanta Georgia October 14 and 15<sup>th</sup>, London England and Berlin Germany in December.

### ARGUMENT

In this misdemeanor case, a custodial sentence or one which would include any period of home confinement, as is recommended by the probation Dept., is excessive, would be contrary to the spirit of 18 U.S.C. 3553(a) and would be absolutely catastrophic. It would mean that Mr. Rubicco would lose his job, drive his family into poverty, cause him who is already emotionally fragile to lose his self-esteem, interfere with his ongoing medical treatments and for all these reasons embitter him about the system of Justice, thereby adversely affecting his rehabilitation.

### CONCLUSION

**Accordingly**, we respectfully suggest that Mr. Rubicco be given a non-guidelines sentence of time served, followed by a year's supervised release with the conditions that he continue drug and mental health treatment and be made to serve a period of community service.

Dated: New York, New York  
June 14, 2012

Respectfully submitted,  
Federal Defenders of New York



Roland Thau,  
Attorney for  
**Robert Rubicco**  
52 Duane Street, 10th Floor  
New York, New York 10007  
Tel.: (212) 417-8733

e-mail: roland\_thau@fd.org

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***EXHIBIT A***

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Recorded District 5922
Register Number 319

New York State Department of Health

# CERTIFICATE OF LIVE BIRTH

State File Number:



131-2012-00023279

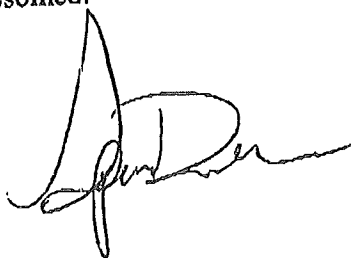
INFANT	1A. Name: First Anna		Middle Rose		Last Rubicco	
	2A. Date of Birth: March 13, 2012		2B. Hour: 4:21 PM		3. Sex: Female	
	5. Place of Birth: Hospital		4A. Birth Is: Single			
	6B. Locality of Birth: Village of Bronxville		6A. Facility Name: (Address, if Place of Birth is Other than Hospital / Birthing Center) Lawrence Hospital Center			
			4B. If Not Single, Birth Is:			
		6C. County of Birth: Westchester				
MOTHER	7A-1. Name: First Christina		Middle Rubicco		Current Last Name Rubicco	
	7A-2. Last Name on Birth Certificate: Iannaccio		7B. Date of Birth: 02/21/1983		7C. City & State of Birth: (Country, if not U.S.A.) Bronx, New York	
	8A. Residence, State: (Country, if not U.S.A.) New York		8B. County: (Terr. or Prov., if not U.S.A.) Bronx			
	8C. Locality: City of New York (Bronx)		8D. Inside City/Village Limit? Yes			
	8E. Street and Number of Residence: 1125 Wilcox Ave		8F. Zip Code: 10465			
	8G. Mailing Address: 1125 Wilcox Ave, Bronx, NY		8H. Zip Code: 10465			
FATHER	9A-1. Name: First Robert		Middle Paul Anthony		Current Last Name Rubicco Jr.	
	9A-2. Last Name on Birth Certificate: Rubicco		9B. Date of Birth: 07/15/1983		9C. City & State of Birth: (Country, if not U.S.A.) Bronxville, New York	
ATTENDANT	10A. I certify that the stated information concerning this child is true to the best of my knowledge and belief.				10B. Date Signed: Month Day Year 3 23 12	
	Signature: <i>[Signature]</i>				Title: M.D.	
	10C. Name of Certifier, if Not Attendant:				10D-1. NYS License Number: (Certifier)	
	10E. Attendant's Name: KANGANIS POLLY				10F-1. NYS License Number: (Attendant)	
	11A. Registrar Name: Susan A. Laughlin				11C. Date Filed: Month Day Year 03 27 2012	
	11B. Signature of the Registrar: <i>[Signature]</i>					
12. Information Added or Corrected:						
Item No.	Date of Correction	Authorization	Original Information			

DOH-1063E (09/2009)

Honorable Michael H. Dolinger  
 United States Magistrate Judge  
 Southern District Of New York  
 United State Courthouse  
 500 Pearl Street  
 New York, NY 10007

Hello, my name is Spencer P Rubicco, I am Rob Rubicco's younger brother. I am 24 years old and am a recovering drug addict, that is currently in a program. I attend an out patient program twice a week on account that I am working as a laborer for Local 18A currently working on 54<sup>th</sup> and Broadway in Manhattan, New York. In the last 3 years I have been in and out of two detoxes and two rehabilitation centers and a seven day stay at Valhalla correctional facility due to my addiction. During this period I did unforgivable things to my family that I severely regret. Now that I am sober I dedicate my recovery to my family and especially my brother's, because without them I would be lost. I have been close with my brother Rob my whole life. The last 24 years of knowing Rob has been a privilege, I'm sure this isn't the first time your hearing of this considering the amount of letters you are going to receive about my brother. He will go above and beyond to help his family. I can't even count the amount of times I turned to Rob for advice and he's came threw with flying colors. Thats why I look at Rob more then a brother, he's a friend and a great role model for me. When I look at Rob's life I couldn't want something more for myself or any loved ones. He has a compassionate, loving, loyal and honest wife, he has a great job that allows him to travel and just recently had a little girl that is breath taking. Most of all he has the best personality anyone can ask for. We as brothers have been through a lot in the past years, things that change peoples behaviors/qualities. Rob however, has not lost any of good qualities as a person if anything he changed minor things which turned out to be for the best. Again I couldn't thank my parents enough for giving me a brother like Rob! I recently just got back to working for the Union, but before that I was unemployed for 8 months. During this time I was looking for jobs, thinking of things I can do besides construction. I then told Rob I was gonna b a chef at a local restaurant. Rob quickly went to the store and bought all vegetables and fruits, and came over with his knife set and began to show me how to make all the different types of cuts that the boss will be looking for. Even though that job fell through (not because of my knife skills) it was great to have my older brother show me that he still cares about me after the horrible things I did threw my addiction. He didn't have to do that, but since he knew a little about the trade he took time out of his day and money out of his pocket to help me as much as possible. Or just two weeks ago I was promised a Job next door to us at the surf club as a bartender but didn't have a tuxedo. Every time I get a good lead to something good I'm compelled to tell Rob because I desperately seek his approval because I want him to be proud of me and not think I'm a big screw up. Anyway, I didn't have a tuxedo so Rob left work early and came to pick me and my other brother up and we went to the tuxedo place and I got fitted for a tux, and Rob went ahead and purchased it. Now that I am back in the Union I no longer need the tux and rob knows this and still is happy that I'm working and not pissed that I never wore the tux that he bought me. These are just some out of many scenarios that I can remember that Rob didn't have to do, but did anyway because he was trying to help his younger brother. As we all can say Rob has made mistakes, but as its said it takes a good person to fall down and get back up and thats exactly what Rob has done and just another quality that I envy. Cant be more happy with the way that my brother, Rob, has grown and blossomed.

Yours Truly,  
 Spencer Rubicco





John A. Rubicco  
61 LaBelle Road  
Mt. Vernon, NY 10552

Honorable Michael H. Dolinger  
United States Magistrate Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

Dear Sir,

My name is John Rubicco. I am Robert Rubicco's uncle on his father's side. This is a letter about fathers, especially so because my nephew recently became one. His baby daughter is named Anna after his mother who died of cancer. Her loss was devastating to Robert, his father, and his two brothers. Ten years before that, she suffered a brain aneurism; so it was like losing her twice.

I am a retired 8th grade English teacher. I also had a special program called "Wings" serving as a counselor to high-risk youth. I know about troubled kids.

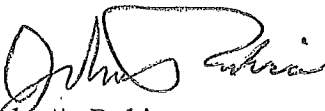
After Anna's death, I helped Robert prepare his mother's eulogy. He delivered it with sensitivity and strength. He supported his family when they needed him most. As time went on, he became a second father to his younger brothers, always there for them emotionally and financially.

I lent him money to help he, his wife, and their newborn during this current difficult time. He has been paying me back little by little. I tell him it's a matter of honor.

I have no doubt that he is guilty; And, I have no doubt that incarceration will do any good while a child waits for her father.

He tells me he has learned his lesson. I choose to believe him. I hope you believe me when I tell you that.

Yours truly,



John A. Rubicco

Honorable Michael H. Dolinger

United States Magistrate Judge

Southern District of New York

United States Courthouse

Honorable Michael H. Dolinger,

Good morning, my name is Salvatore Chillemi, I'm currently a 2<sup>nd</sup> year Nephrology fellow in training at UMDNJ-Newark & Hackensack University Medical Center. I was originally born in upstate NY, before living abroad in Frankfurt Germany, Vienna Austria, Sicily-Italy, then finally spending my high school days in Roswell Georgia. I attended medical school at Ross University spending my first 18 months in the Commonwealth of Dominica; eventually moving to Miami then NYC/NJ to finish my medical school training, and eventually doing 3 years of Internal Medicine training at UMDNJ as well. I eventually moved to Hawaii to practice Internal Medicine for a year at Kaiser Permanente before returning to the East coast for further specialty training.

I initially met Mr. Rubicco at the innocent age of 23 through a mutual friend in NYC; Pablo Roskell. Pablo's family is from Argentina and his family and my family over the course of the past 20 years have vacationed together on numerous occasions in Sicily. We consider one another "cousins," per say. I recall meeting Rob as if it were yesterday. I will never forget the words Pablo said to me that evening, "this is Rob, a fun and crazy guy at times, but someone you can always trust with anything." Not a typical statement upon being introduced to someone. From that moment onwards I came to learn that this statement was a hundred percent true. Rob never turned back on his word, was always present when friends or family needed guidance, advice, financial support, or simply just someone to listen.

When we first met we were both at that young age of innocence and experiencing the realities of the real world and what it had to offer. We would frequently meet 2-3 times a week for dinner and drinks, or a happy hour here and there. Over the course of those first few years in NYC I came to see what a true and genuine person Rob Rubicco is and with time, amazingly I've found myself to confide in him more than I do my "cousin," Pablo. Our relationship over the course of the past few years has grown, and I've seen Rob mature from a young college boy to a mature husband and now father. His beautiful wife and now daughter have made Rob a complete man, happy with life, and loving to the world. Rob is now a hard working, dedicated father/husband, aspiring to give his family all he never had. We have both come a long way since that first evening we met over 7 years ago and I can proudly say I'm blessed to have Rob Rubicco as a friend. I trust him with my life, and I hope we will continue this friendship until the days we are old and we have the opportunities to watch our children grow and experience life.

Please feel free to contact me, (salvatorechillemi@hotmail.com)

Salvatore Chillemi, MD

To the attention of the Honorable Michael H. Dolinger,

My name is David Heath and I am writing on behalf of one of my closest friends, Robert Rubicco. Since you do not know me, allow me to share with you a bit of my background to help provide you with context in evaluating the significance of this letter.

I am 29 years old and currently reside in Manhattan, NY. I recently starting working for Yucaipa Companies, a Private Equity firm with over \$3B in assets under management. I spent the previous 5+ years as a founding employee of a NY based media company, UrbanDaddy, which I helped build to an \$18mm a year company. I am currently working on new media investments and strategy.

In addition to working in Private Equity, I recently became a 50/50 business partner in a fine foods distribution company, and I've have been working on the launch of a new sock business which is planned to go live over the next couple of months.

Outside of my career, I'm an active member in NYCares, regularly giving my time to those less fortunate here in Manhattan. I specifically focus my efforts on children.

In regards to my relationship with Robert, I am honored to say that Robert has been a close friend of mine for over 15 years. We first met in high school and have remained close friends ever since. One of our earliest, but greatest interactions, is when I recruited Robert to sell Cutco Cutlery with me during the summer months, where he quickly surpassed me as one of the top sales reps in the company. I had the honorable pleasure of being a groomsman in his wedding, which at the time, Robert was the first of all of my friends to get married.

Robert exudes the qualities of a true friend. He is one of my only friends that I can honestly say will always be there for me regardless of the situation. He is incredibly loyal and devoted to the people who are important in his life. I can recall a specific example when I was locked out of my apartment late one night, with no way to get into my building and as a result, no where to spend the night. I called Robert and without hesitation he drove into the city to pick me up and let me stay at his apartment and then drove me back into the city the next morning to meet my super to let me in to my apartment. This is just one example of many of how selfless Robert acts when there is someone in need.

Further to this point, Robert has always been dedicated to the idea of family and treats his friends as if they were related in blood. Since the loss of Roberts mother, Ann, Roberts devotion to the ideals of family has only become more prevalent. He is deeply in love with his wife and the recent addition of their baby girl, Anna, has only furthered this devotion. He is truly one of the best husbands and fathers any wife or child could ask for.

I am personally unaware of the actions being brought against Robert, but I can tell you that from my personal experience, Robert is one of the most genuine guys I have ever known and I am thankful every day that I get to call him a friend.

I hope this letter helps show you a side of Robert that you might otherwise not be aware of and I'd be happy to provide further testimony to support these facts.

Thank you in advance for your consideration of this letter.

Sincerely,  
David Taylor Heath

Anthony & Kathy Guglielmo  
3115 Cedar Road  
Yorktown Heights, NY 10598

April 19, 2012

To Whom it May Concern:

Robert Rubicco has been a part of our lives for a very long time. Robert is a first cousin to Anthony and they have many special childhood memories together. His great character, sense of humor and dedication to those who care about him make him a special part of our family. Our 3 children love him and are always guaranteed to laugh when Robert is around. They look forward to seeing him. He is always telling them funny jokes, giving them piggy back rides or playing hide and go seek with them and the children often ask when are they going to see Robert and his wife Christina again. They have a very strong bond.

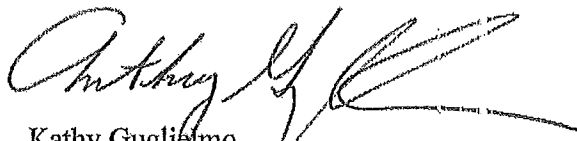
Now that Robert is a father himself to a beautiful baby girl named Anna, we look forward to many, many family events and vacations together with our children. He is a great dad, always concerned about when the baby last ate or if she needs to be changed. Anna is lucky to have him for a dad. Anthony was honored to be chosen as Godfather to Anna and looks forward to watching her grow into a beautiful young woman.

Starting a family is very exciting as well as stressful. We know from experience. Robert has confided in us that he had a very weak moment and was under stress when his wife became pregnant. It led to some wrongful actions on his part. He completely acknowledges what he did was wrong. He regrets his wrong doings and we believe he has learned from this experience. We are confident that he will be focused on his family and career from this point on.

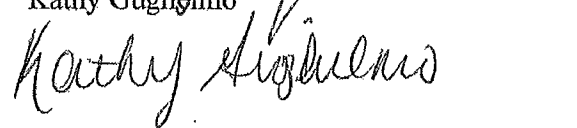
Thank you for your time.

Sincerely,

Anthony Guglielmo



Kathy Guglielmo



**PABLO ROSKELL, ESQ.**  
1468 MIDLAND AVENUE  
BRONXVILLE, NY 10708

May 18, 2012

Honorable Michael H. Dolinger  
United States Magistrate Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

Dear Judge Dolinger:

My name is Pablo Roskell, and I am a NY-licensed attorney. Since graduating from the Benjamin N. Cardozo School of Law in 2010, I have focused my career on regulatory compliance. Currently, I am a senior analyst at Citi Group in the Financial Intelligence Unit (FIU), a group responsible for general complex anti-money laundering (AML) compliance and terrorist financing regulatory reporting.

In the year 2000, I met Mr. Robert Rubicco through a mutual friend, Mr. Davey Jakasal, a close high school friend of mine whom is now a police officer in the Town of Greenburg, NY. Since then, Rob and I have become the closest of friends, and I consider him family. In the past dozen years, Rob and I have spent holidays together, vacationed together, worked together, and more importantly, grown up together. In August of this past year, Rob was a groomsman in my wedding, as I was in his not too long before.

It hurts me to know the circumstances that lead to my drafting this letter. If I was asked what I thought of Robert a year ago, I would say that he is the prime example of a trustworthy friend, a loving husband, and a devoted family man. Since the conception of his daughter, Anna Rose, Rob has confided in me the weight that this action against him has placed on his shoulders. What separates Rob from how the common person would act in similar circumstances, is that Rob has only been concerned for the well being of his daughter, his wonderfully kind and compassionate wife, Christina, and the well-being of his two brothers, Anthony and Spencer, and also of his father Robert. The latter three persons, truth be told, having been dependant on Robert for financial and emotional support since the passing of his beloved mother Anna.

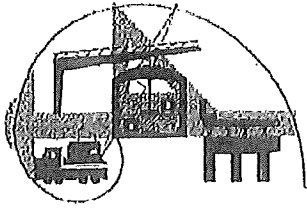
In conclusion, while it is clear from Robert's plea that he has made mistakes, I humbly urge the Court for leniency when delivering judgment upon him. I am overly confident that Rob appreciates the severity of his actions, and that he would



never make a mockery of this Court by jeopardizing his own happiness and that of those closest to him, Anna Rose and Christina.

Respectfully submitted,

Pablo Roskell



*SCHIAVONE Construction Co. LLC*  
CONSTRUCTORS & ENGINEERS

150 MEADOWLANDS PARKWAY • THIRD FLOOR • SECAUCUS, N.J. 07094-1589  
PHONE (201) 867-5070 FAX (201) 866-6132

Address to:

Honorable Michael H. Dolinger  
United States Magistrate Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

April 25, 2012

Dear Judge Dolinger,

My name is Jason McKenna, and I grew up in Pleasantville New York. I graduated from Quinnipiac University with a degree in Computer Science and a minor in Finance. I'm currently working at Schiavone Construction Co LLC as an Estimator. I planning to start grad school at NYU this summer working towards a Master in Construction Management. I am writing this letter to show my support for Robert Rubicco, who has been one of my closest friends for almost 20 years.

Rob transferred into my school district, Byram Hills, in the 5<sup>th</sup> grade. My teacher at the time told me that there was a new kid who would be joining us, and nominated me as the student to show him around. The 5<sup>th</sup> grade is a difficult time to transfer into a school, most kids already have their friends and aren't interested in making new ones. For whatever reason, Rob and I hit it off immediately. As the years passed, our friendship grew, and we tried to take the same classes and made sure we were roommates on all the different middle school trips, most notably the Whale Watch and Washington D.C. trips. I remember that I had forgotten to bring my wallet on the Washington trip, and Robert quickly offered to split the little money he had on him, which was enough to get me through the trip. Rob has always been a generous and extremely reliable friend through the years.

After high school we both split up and went off to our own Colleges. During my time at Quinnipiac, I was one of the only eye witnesses to a car accident that led to the death of one of my closet friends. I've had, and still have, an extremely difficult time dealing with this loss. Robert, who at that point was going through his own difficult time dealing with a Mother battling Cancer, was a huge help. I remember one conversation in particular, that was able to provide me with some comfort when I needed it most. I didn't realize this at the time, but Rob had held back on talking about his own heartbreak and focused on me.

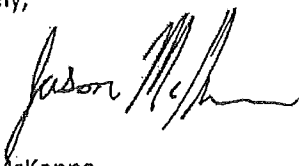
Rob has always looked out for others during difficult times. I remember a time when I was at the house of Mike,(a close friend of ours) who's Mom, only hours earlier had also passed from Cancer. As difficult

as this time must have been for Rob, with all memories and emotions it had to have stirred up, he was one of the first people to Mike's house with what must have been at least a week's worth of lunches and dinners to help the family through the next few days.

In recent years as Rob's friend, I have watched all steps of Rob and Christina's relationship. Everything from their first dates, to Rob asking Christina to marry him (on a stage in front of a huge crowd) and eventually their wedding day. Rob and Christina have recently given birth to a little baby girl named Anna. Based on the kind of boyfriend/ husband he has been to Christina, I have no doubt that we will make a wonderful father.

Thank you very much for your time.

Sincerely,  
Jason

A handwritten signature in black ink, appearing to read "Jason McKenna". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jason McKenna  
101 Deerfield Lane North  
Pleasantville, NY 10570



Sentencing Letter

dj104k

to:

dj104k, robert.p.rubicco, Roland\_Thau

05/21/2012 01:12 PM

Hide Details

From: dj104k@aol.com

To: dj104k@aol.com, robert.p.rubicco@gmail.com, Roland\_Thau@fd.org

Dear Honorable Micheal H. Dolinger,

I am writing to you on behalf of Robert Rubbico a long time friend of mine for over 10 years. My name is Davey Jakasal and I am currently employed with the Town of Greenburgh Police Dept. in Weschester County, NY. I have been a Police Officer for approximately 5 years and am currently assigned to a plain clothes Task Force which primarily targets residential burglaries and property crimes.

I met Robert Rubbico through mutual friends from the time i graduated high school in 2000. Robert and I have also worked together at Rt. 22 Bar & Restaurant for a period of 6 months as well during our college years. Robert and I have maintained contact through the years and keep in touch at least twice a month. Robert has also been a valuable asset to me as a friend in addition to providing me with valuable intelligence that has resulted in furthering my career.

Robert has always been a kind and friendly person to myself and family. He has always supported me in any task or obstacle that has come my way which makes him a rare person. Whether it be from advice, to helping me move furniture or even ride to the airport. Robert has always been there for me and is ready and willing help me at any cost. Roberts best qualities come from his personality and his eagerness to take on an objective in order to succeed. I remember Robert being recorded as the highest sales representative for CUTCO Knife Sales on the eastern coast, all stemmed from his beautiful quality of being able to talk and articulate himself very well. I also remember Robert as being a protector of our close group of friends throughout college. Any time there was an altercation, Robert would step up to the plate and diffuse any situation with his words.

Although in light of Roberts contact with the court system, I ask your Honor if all possible to extended any leniency on Robert for his mistakes. We are all human and at deperate times we are flawed in our action and decision making. I trust in Robert that through this experience he truly absorbs the gravity of his situation and its consequences. Robert is a new father and i know deep inside he will be victorious in raising his new born baby along with his wife Christina.

Thank you your Honor for your time, please feel free to contact me if you have any questions.

P.O. D. Jakasal#200  
Town of Greenburgh Police Dept.

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CC:

May 23, 2012

Honorable Michael H. Dolinger  
United States Magistrate Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

Dear Judge Dolinger,

My name is Nick Gentile and I am writing to express my support for Robert Rubicco. I am currently a resident of the state of California where I am studying for my Masters of Business Administration (MBA) at the UCLA Anderson School of Management. Following the completion of my degree in June 2012, I will begin work in the investment banking industry.

Robert and I have been friends since July 2008, when we met through a mutual friend shortly after I moved to Manhattan. Robert immediately struck me as a sincere, genuine and loyal person and we quickly became close friends. I have kept in touch with him regularly since moving to California and he has been someone with whom I have confided on several personal issues.

In getting to know Robert over the last few years, I have had the chance to see firsthand his deep level of love for and commitment to his family, as both a mentor to his brothers and loving husband to his wife Christina. Although Robert has made some mistakes and found himself in legal trouble recently, I believe the motivation at the heart of his misguided decisions was the strong love he has for his family and the desire to be a better provider for them. I'll never forget hearing the news from him back in the winter of 2011 that he was going to be a father. I sensed a genuine change in him and a desire to become a more responsible person so that he could be the best possible father. I have no doubt that Robert is deeply remorseful for the mistakes he has made and I believe that these experiences will serve as an adequate wake-up call for him as he transitions into his new life as a parent.

Sincerely,

Nick Gentile